

Appl. No. 10/748,611  
Reply dated March 6, 2006  
Reply to Office Action of October 6, 2005

## **REMARKS**

Claims 1-27 are in the case with non-elected Group II claims 24-27 shown in the attached listing as "withdrawn" claims. Therefore, elected Group I claims 1-23 are presented for Examiner Salvatore's consideration. In addition, please amend claims 1, 12 and 23 as shown. Support for the amendment to claims 1 and 12 may be found, for example, in the application as filed in the paragraph beginning page 13 line 33. Claim 23 is amended to correct for typographical error.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants thank Examiner Salvatore for including in the Office Action mailed October 6, 2005 signed copies of the initialed Forms PTO-1449 sent with Applicants' Information Disclosure Statements (IDS) mailed May 20, 2004.

### **Claims rejection, 35 U.S.C. §102(a) (Minemura et al. WO 03/026794):**

By way of sections 2 and 3 of the Office Action mailed October 6, 2005, claims 1-4, 6-15 and 17-22 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Minemura et al. WO 03/026794 (hereinafter, "Minemura et al."). Included in this rejection are two independent claims, claim 1 and claim 12. The Office Action relied upon US 6,936,094 as an English-language translation of the cited WO publication to Minemura et al. This rejection is respectfully **traversed** to the extent applicable to the currently presented claims, as described in the remarks below.

The invention as presently claimed in independent claim 1 is directed to an electret nonwoven web comprising a continuous fiber nonwoven web, a binder composition including a thermosetting resin, and wherein the binder composition is applied to the continuous fiber nonwoven web, the binder composition is cured to form a nonwoven web/binder composite and the composite is electret charged. The invention as presently claimed in independent claim 12 is directed to a filter material that is pleated and which comprises the above-described electret nonwoven web.

Appl. No. 10/748,611  
Reply dated March 6, 2006  
Reply to Office Action of October 6, 2005

According to M.P.E.P. §2131 regarding 35 U.S.C. §102, in order to anticipate a claim, the reference must teach every element of the claim. The Office Action stated that Minemura et al. disclose all elements of Applicants' claims 1 and 12 and directed attention specifically to Minemura et al. at the Abstract, Col. 5 lines 44-55, Col. 10 lines 43-49 and Col. 4 lines 1-15. However, as stated by Minemura et al. their disclosure is directed to mixing activated carbon powder and a powdered thermoplastic resin and spreading the powder mix on a base sheet, then placing an air-permeable sheet on the base sheet and hot-pressing the sheets together.

Applicants respectfully submit that the disclosure of Minemura et al. does not appear to anticipate all the elements of their independent claims. Specifically, Minemura et al. as disclosed appear to teach that the carbon powder is always mixed with a powdered thermoplastic resin. In contrast, Applicants' claims require that the binder composition on the continuous fiber nonwoven web is cured to form a nonwoven web/binder composite, and the composite is electret charged. Therefore, Applicants' independent claims have been amended to clarify that the resin composition includes thermosetting resin.

Furthermore, as noted in the Office Action, Minemura et al. state that the base sheet used may be an electret sheet (Col. 5 lines 48-50). However, as taught in Minemura et al. such a base sheet is then coated with the mixed powder (carbon powder and thermoplastic resin powder) and another sheet is placed atop it, and the whole is hot pressed. According to this disclosure by Minemura et al., therefore, only the base sheet is an electret, rather than the nonwoven web/binder composite, as is required by Applicants' claims.

For at least the reasons discussed above, Applicants submit that Minemura et al. fail to disclose each and every element of their independent claims as presented, and Applicants therefore respectfully submit that this rejection under 35 U.S.C. §102(a) in view of Minemura et al. should be withdrawn.

Although Applicants' submit as above that Minemura et al. fail to disclose their independent claims, the Office Action also made certain statements regarding the disclosure by Minemura et al. of elements of the dependent claims which appear to be not strictly correct. In section 3, the Office Action states that Minemura et al. teach, "an adsorbent spunbonded base electret sheet comprising thermoplastic sheath core bi-

Appl. No. 10/748,611

Reply dated March 6, 2006

Reply to Office Action of October 6, 2005

component thermoplastic fibers". However, specifically, Minemura et al. disclose sheath core fibers only at Col. 5 line 47 and line 55, and spunbond is not mentioned. Rather, Minemura et al. state there that, "Of course, sheath-core type fibers or a fiber blend of different fibers may also be used." Spunbond (continuous fibers) are not mentioned, and the discussion of fiber types and fiber blends of different fibers strongly suggest this discussion relates to staple (cut) fibers. In addition, the term spunbond is used, but only with respect to "Sheet B", which is the cover sheet that is superposed over the base sheet ("Sheet A"). That is, the referenced spunbond sheet is not the base sheet into or onto which the powder mixture is spread. Please see Minemura et al. at Col. 10 lines 44-67.

**Claims rejection, 35 U.S.C. §102/103 (Minemura et al.):**

By way of sections 4 and 5 of the Office Action mailed October 6, 2005, dependent claim 23 was rejected under 35 U.S.C. §102 as allegedly being anticipated by, or, alternatively, 35 U.S.C. §103 as obvious over, Minemura et al. This rejection is respectfully **traversed**. The Office Action stated that the stress and plastic recovery properties recited in claim 23 would be inherently present in the disclosed sheet of Minemura et al. However, as described above, Applicants submit that Minemura et al. fails to disclose all the elements of the independent claim 12 from which claim 23 depends, and therefore still fails to disclose all of the elements of Applicants' claim 23 since it includes all the elements of independent claim 12. Therefore, Applicants respectfully submit that the rejection of claim 23 under 35 U.S.C. §102(a) (alternatively under 35 U.S.C. §103(a)) over Minemura et al. should be withdrawn.

**Claims rejection, 35 U.S.C. §103(a) (Minemura et al. in view of Pike et al. U.S. 5,873,968):**

By way of sections 6 and 7 of the Office Action mailed October 6, 2005, dependent claims 5 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Minemura et al. in view of in view of Pike et al. U.S. 5,873,968 (hereinafter, "Pike et al."). This rejection is respectfully **traversed**. The invention as claimed in independent claims 1 and 12 is described above. Claims 5 and 16 depend, respectively, from claims 1 and 12. The Office Action provided Pike et al. specifically to remedy the failure of Minemura et al. to explicitly disclose polyethylene and polypropylene bi-component fibers. However, as

Appl. No. 10/748,611  
Reply dated March 6, 2006  
Reply to Office Action of October 6, 2005

described above, Applicants submit that the main reference (Minemura et al.) fails to disclose all the elements of the independent claims from which claims 5 and 16 depend, and therefore submit that the combination of Pike et al. with Minemura et al. still fails to disclose all of the elements of Applicants' claim claims 5 and 16. Accordingly, Applicants respectfully submit that the rejection of claims 5 and 16 under 35 U.S.C. §103(a) over Minemura et al. in view of Pike et al. should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

DAVID LEWIS MYERS, ET AL.

By: Robert A. Ambrose  
Robert A. Ambrose  
Registration No.: 51,231

#### CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on March 6, 2006 this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

Typed or printed name of person signing this certificate:

Robert A. Ambrose

Signature: Robert A. Ambrose